

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Amber Romo, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

Optimum Outcomes, Inc. and John
Does 1-25.

Defendant(s)

No.: _

CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

Plaintiff Amber Romo ("Plaintiff"), by and through her attorneys, Brubaker Law Group PLLC, as and for her Complaint against Defendants Optimum Outcomes, Inc. ("Defendant OOI"), individually and on behalf of a class of all others similarly situated, pursuant to Rule 23 of the Federal Rules of Civil Procedure, based upon information and belief of Plaintiff's counsel, except for allegations specifically pertaining to Plaintiff, which are based upon Plaintiff's personal knowledge.

INTRODUCTION/PRELIMINARY STATEMENT

1
2 1. Congress enacted the Fair Debt Collection Practices Act (the
3 “FDCPA”) in 1977 in response to the “abundant evidence of the use of abusive,
4 deceptive, and unfair debt collection practices by many debt collectors.” 15
5 U.S.C. §1692(a). At that time, Congress was concerned that “abusive debt
6 collection practices contribute to the number of personal bankruptcies, to
7 material instability, to the loss of jobs, and to invasions of individual privacy.”
8 *Id.* Congress concluded that “existing laws...[we]re inadequate to protect
9 consumers,” and that ““the effective collection of debts’ does not require
10 ‘misrepresentation or other abusive debt collection practices.’” 15 U.S.C. §§
11 1692(b) & (c).

12 2. Congress explained that the purpose of the Act was not only to
13 eliminate abusive debt collection practices, but also to “insure that those debt
14 collectors who refrain from using abusive debt collection practices are not
15 competitively disadvantaged.” *Id.* § 1692(e). “After determining that the
16 existing consumer protection laws were inadequate.” *Id.* § 1692(b), Congress
17 gave consumers a private cause of action against debt collectors who fail to
18 comply with the Act. *Id.* § 1692k.

JURISDICTION AND VENUE

3. The Court has jurisdiction over this class action pursuant to 15 U.S.C. § 1692 et. seq. and 28 U.S.C. § 2201. The Court has pendent jurisdiction over the State law claims in this action pursuant to 28 U.S.C. § 1367(a).

4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2) as this is where the Plaintiff resides as well as where a substantial part of the events or omissions giving rise to this claim occurred.

NATURE OF THE ACTION

5. Plaintiff brings this class action on behalf of a class of Washington consumers under § 1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA"), and

6. Plaintiff is seeking damages and declaratory relief.

PARTIES

7. Plaintiff is a resident of the State of Washington, County of Snohomish, with an address of 9421 244th SW, Apt. G103, Edmonds, WA 98020.

8. Defendant OOI is a "debt collector" as the phrase is defined in 15 U.S.C. § 1692(a)(6) and used in the FDCPA with an address at 3200 Spring Forest Road, Suite 220, Raleigh, NC 27616 with an address for service, care of

1 its registered agent, Corporation Service Company, at 300 Deschutes Way, SW
2 Ste 208 MC-CSC1, Tumwater, WA 98501.

3
4 8. Upon information and belief, Defendant OOI is a company that uses
5 the mail, telephone, and facsimile and regularly engages in business the
6 principal purpose of which is to attempt to collect debts alleged to be due
7 another.
8

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10 9. John Does 1-25, are fictitious names of individuals and businesses
11 alleged for the purpose of substituting names of Defendants whose identities
12 will be disclosed in discovery and should be made parties to this action.
13

14 **CLASS ALLEGATIONS**

15 10. Plaintiff brings this claim on behalf of the following case, pursuant to
16 Fed. R. Civ. P. 23(a) and 23(b)(3).
17

18 11. The Class consists of:

- 19 a. all individuals with addresses in the State of Washington;
20 b. to whom Defendant FAI sent an initial collection letter attempting
21 to collect a consumer debt;
22 c. that did not properly inform the Plaintiff of her rights under 15
23 U.S.C. § 1692g;
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1 d. which letter was sent on or after a date one (1) year prior to the
2 filing of this action and on or before a date twenty-one (21) days
3 after the filing of this action.
4

5 12. The identities of all class members are readily ascertainable from the
6 records of Defendants and those companies and entities on whose behalf they
7 attempt to collect and/or have purchased debts.
8

9 13. Excluded from the Plaintiff Class are the Defendants and all officer,
10 members, partners, managers, directors and employees of the Defendants and
11 their respective immediate families, and legal counsel for all parties to this
12 action, and all members of their immediate families.
13
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15 14. There are questions of law and fact common to the Plaintiff Class,
16 which common issues predominate over any issues involving only individual
17 class members. The principal issue is whether the Defendants' written
18 communications to consumers, in the forms attached as Exhibit A, violate
19 U.S.C. §§ 1692e and 1692g.
20
21

22 15. The Plaintiff's claims are typical of the class members, as all are
23 based upon the same facts and legal theories. The Plaintiff will fairly and
24 adequately protect the interests of the Plaintiff Class defined in this complaint.
25 The Plaintiff has retained counsel with experience in handling consumer
26 lawsuits, complex legal issues, and class actions, and neither the Plaintiff nor
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1 her attorneys have any interests, which might cause them not to vigorously
2 pursue this action.

3
4 16. This action has been brought, and may properly be maintained, as a
5 class action pursuant to the provisions of Rule 23 of the Federal Rules of Civil
6 Procedure because there is a well-defined community interest in the litigation:
7

- 8 a. **Numerosity:** The Plaintiff is informed and believes, and on that
9 basis alleges, that the Plaintiff Class defined above is so numerous
10 that joinder of all members would be impractical.
11
12 b. **Common Questions Predominate:** Common questions of law and
13 fact exist as to all members of the Plaintiff Class and those
14 questions predominate over any questions or issues involving
15 only individual class members. The principal issue is whether the
16 Defendants' written communications to consumers, in the forms
17 attached as Exhibit A violate 15 USC §1692e and 1692g.
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19 c. **Typicality:** The Plaintiff's claims are typical of the claims of the
20 class members. The Plaintiffs and all members of the Plaintiff
21 Class have claims arising out of the Defendants' common uniform
22 course of conduct complained of herein.
23
24 d. **Adequacy:** The Plaintiff will fairly and adequately protect the
25 interests of the class members insofar as Plaintiff have no interests
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1 that are adverse to the absent class members. The Plaintiff is
2 committed to vigorously litigating this matter. Plaintiff has also
3 retained counsel experienced in handling consumer lawsuits,
4 complex legal issues, and class actions. Neither the Plaintiff nor
5 her counsel have any interests which might cause them not to
6 vigorously pursue the instant class action lawsuit.
7

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9 e. **Superiority:** A class action is superior to the other available means
10 for the fair and efficient adjudication of this controversy because
11 individual joinder of all members would be impracticable. Class
12 action treatment will permit a large number of similarly situated
13 persons to prosecute their common claims in a single forum
14 efficiently and without unnecessary duplication of effort and
15 expense that individual actions would engender.
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19 17. Certification of a class under Rule 23(b)(3) of the Federal Rules of
20 Civil Procedure is also appropriate in that the questions of law and fact common
21 to members of the Plaintiff Class predominate over any questions affecting an
22 individual member, and a class action is superior to other available methods for
23 the fair and efficient adjudication of the controversy.
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1 25. Defendants collect and attempt to collect debts incurred or alleged to
2 have been incurred for personal, family or household purposes on behalf of
3 creditors using the United States Postal Services, telephone and internet.
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5 *Violation I – November 23, 2020 Collection Letter*

6 26. On or about November 23, 2020, Defendant OOI sent Plaintiff an
7 initial collection letter (the “Letter”) regarding the alleged debt currently owed.
8

9 **See Exhibit A.**

10 27. When a debt collector solicits payment from a consumer, it must,
11 within five days of an initial communication
12

13 (1) the amount of the debt;
14

15 (2) the name of the creditor to whom the debt is owed;
16

17 (3) a statement that unless the consumer, within thirty days after receipt of
18 the notice, disputes the validity of the debt, or any portion thereof, the debt
19 will be assumed to be valid by the debt collector;
20

21 (4) a statement that if the consumer notifies the debt collector in writing
22 within the thirty-day period that the debt, or any portion thereof, is disputed,
23 the debt collector will obtain verification of the debt or a copy of the
24 judgment against the consumer and a copy of such verification or judgment
25 will be mailed to the consumer by the debt collector; and
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1 (5) a statement that, upon the consumer's written request within the thirty-
2 day period, the debt collector will provide the consumer with the name and
3 address of the original creditor, if different from the current creditor. 15
4
5 U.S.C. § 1692g(a).
6

7 28. The letter states: “Unless you notify OOI within thirty (30) days after
8 receiving this notice that you dispute the validity of this debt, or any portion
9 thereof, this office will assume this debt is valid. If you notify OOI in writing
10 within thirty (30) days from receiving this notice that you dispute the validity of
11 this debt, or any portion thereof, this office will obtain verification of the debt
12 or obtain a copy of a judgment and mail you a copy of such judgment or
13 verification. OOI shall provide you with the name and address of the original
14 creditor, if different from the current creditor, upon your request in writing to
15 this office within thirty (30) days after receiving this notice.”
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20 29. Under 15 U.S.C. § 1692g(a)(5) the debt collector must provide a
21 statement that, upon the consumer's written request within the thirty-day
22 period, the debt collector will provide the consumer with the name and
23 address of the original creditor, if different from the current creditor.
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25 30. Defendant’s letter does not provide that statement.
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1 31. Defendant's letter states that they will provide the name and address of
2 the original creditor if Plaintiff requests in writing, but continues that the
3 information regarding the creditor will be provided by Defendant within 30 days
4 after receiving the notice.
5

6 32. The statement does not say that Defendant will provide the information
7 if Plaintiff's written request is within 30 days of receipt of the notice as the law
8 requires, rather it states that upon written request (without specifying a time
9 period), the information will be provided within 30 days after receiving this
10 notice by Defendant.
11

12 33. The 30-day time period is the time allowed for Plaintiff to make a
13 written request and not the amount of time in which Defendant is to provide the
14 information.
15

16 34. This statement is false and deceptive because Defendant has no
17 obligation to provide the information requested within thirty days of receiving
18 the notice, rather the Plaintiff has thirty days to make the written request.
19

20 35. This statement could easily confuse and deceive the least sophisticated
21 consumer to believe that there is no time period in which they must make a
22 written request for the name and address of the original creditor and that
23 Defendant will send that information within thirty days after receiving the notice.
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1 43. Pursuant to 15 U.S.C. §1692e, a debt collector may not use any false,
2 deceptive, or misleading representation or means in connection with the
3 collection of any debt.
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5 44. Defendant violated said section by:

6 a. Making a false and misleading representation in violation of
7 §1692e(10).
8

9 45. By reason thereof, Defendant is liable to Plaintiff for judgment that
10 Defendant's conduct violated Section 1692e et seq. of the FDCPA, actual
11 damages, statutory damages, costs and attorneys' fees.
12

13
14 **COUNT II**
15 **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES**
16 **ACT 15 U.S.C. §1692g *et seq.***

17 46. Plaintiff repeats, reiterates and incorporates the allegations contained
18 in paragraphs above herein with the same force and effect as if the same were
19 set forth at length herein.
20

21 47. Defendant's debt collection efforts attempted and/or directed towards
22 the Plaintiff violated various provisions of the FDCPA, including but not
23 limited to 15 U.S.C. § 1692g.
24

25 48. Pursuant to 15 USC §1692g, a debt collector:
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1 Within five days after the initial communication with a consumer in
2 connection with the collection of any debt, a debt collector shall, unless the
3 following information is contained in the initial communication or the
4 consumer has paid the debt, send the consumer a written notice containing –
5

- 6 1. The amount of the debt;
- 7 2. The name of the creditor to whom the debt is owed;
- 8 3. A statement that unless the consumer, within thirty days
9 after receipt of the notice, disputes the validity of the debt,
10 or any portion thereof, the debt will be assumed to be valid
11 by the debt-collector;
- 12 4. A statement that the consumer notifies the debt collector in
13 writing within thirty-day period that the debt, or any portion
14 thereof, is disputed, the debt collector will obtain
15 verification of the debt or a copy of a judgment against the
16 consumer and a copy of such verification or judgment will
17 be mailed to the consumer by the debt collector; and
18 5. A statement that, upon the consumer's written request within
19 the thirty-day period, the debt collector will provide the
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1 consumer with the name and address of the original creditor,
2 if different from the current creditor.

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4 49. The Defendant violated 15 U.S.C. §1692g, by not providing the
5 proper statutory disclosures under §1692g.
6

7 50. By reason thereof, Defendant is liable to Plaintiff for judgment that
8 Defendant's conduct violated Section 1692g et seq. of the FDCPA, actual
9 damages, statutory damages, costs and attorneys' fees.
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12 **DEMAND FOR TRIAL BY JURY**

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14 51. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff
15 hereby requests a trial by jury on all issues so triable.
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19 **PRAYER FOR RELIEF**

20 **WHEREFORE**, Plaintiff Amber Romo, individually and on behalf of all others
21 similarly situated, demands judgment from Defendant OOI as follows:
22

23 1. Declaring that this action is properly maintainable as a Class Action
24 and certifying Plaintiff as Class representative, and Michael Brubaker, Esq. as
25 Class Counsel;
26

27 2. Awarding Plaintiff and the Class statutory damages;
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1 3. Awarding Plaintiff and the Class actual damages;

2 4. Awarding Plaintiff costs of this Action, including reasonable
3 attorneys' fees and expenses;
4

5 5. Awarding pre-judgment interest and post-judgment interest; and

6 6. Awarding Plaintiff and the Class such other and further relief as this
7 Court may deem just and proper.
8

9
10 DATED this 9th day of June, 2021.
11

12 Respectfully submitted,
13 By: /s Michael
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